REMARKS

The priority date for this application is 16 September 1999. Applicant cancels claims 3-5, 13, 17-19, and 24. It is noted that the claims are not canceled for reasons related to patentability. Applicant adds new claims 26-45. New claims are supported by the originally filed claims, FIGS. 1-7, and the specification. Applicants amend claims 1, 2, 6-8, 11, 12, 14-16, 20-23, and 25.

Objections to Claims

The Examiner objected to claims 1-25 because of incursion of reference numerals and because of use of the term "A system". Applicant has removed the reference numerals and amended "A system" to "The system". Applicant request the objection be withdrawn.

Rejections to claims 1, 25, 26, and 42

It is noted that subject matter similar to the subject matter in now canceled claim 13 has been added to claim 1 (and to claims 25, 26, and 42). For instance, amended claim 1 recites "wherein the wireless connection is a Low Power Radio Frequency (LPRF) connection". In the outstanding Office Action, the Examiner rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by Birgerson, U.S. Patent No. 6,138,009. The Examiner rejected claim 13 under 35 U.S.C. §103(a) as being obvious over Birgerson in combination with Raith, U.S. Patent No. 6,493,550. Because of this, Applicant will treat amended claim 1 as being rejected based on a combination of Birgerson and Raith. It is noted that independent claims 25, 26, and 42 also recite subject matter similar to the subject matter in now canceled claim 13.

Applicant respectfully disagrees that Birgerson and Raith should be combined. In particular, Birgerson teaches away from combination with Raith in the way the Examiner asserts the combination should be made. For instance, Birgerson states the following:

JP-A-7 067 174 shows a digital mobile telephone system including a downloading function for extended software and DE-A-4 321 381 discusses downloading of new or altered software into a memory of a telephone using a personal computer. WO 96/32679 relates to updating of software in mobile telephones. Managing hosts and an enchanced [sic] service complex are used for providing the update. ***However, none of these documents shows a really personally adapted or market adapted telephone which is easy to fabricate and handle, e.g. to distribute, for the manufacturer and easy and flexible to handle for the user.***

SUMMARY

What as needed is therefore a system and a method respectively for customizing wireless communication units such as for example cellular telephones, cordless telephones, any kind of hybrid communication units etc.

A system and a method are also needed through which the fabrication of communication units intended for a number of different markets, required to fulfil [sic] a number of different needs and implementations, is facilitated, made more efficient and cost-effective. A system and a method respectively are also needed through which local implementation requirements and niching of the communication units can be still further increased without affecting the fabrication process, distribution of communication units etc.

Still more particularly a system and a method respectively are needed through which the basic functionality can be altered, updated in an efficient and uncomplicated manner and ***without producing complications for the end-user***, i.e. the subscriber or the user, of a communication unit. Still more particularly a system and a method respectively are needed through which the end-user in a non-complicated and efficient manner gets access to available service implementations existing locally on a market and also to newly introduced services or even services and applications not yet introduced on the market.

A communication unit intended for wireless communications such as a cellular telephone, cordless telephone, any kind of a hybrid communication unit etc is also needed which to a high extent is customizable without producing complications neither for the end-user, nor for the manufacturer, which easily can be updated and through which the services available on the market, as well as unforseeable services that might be introduced or made available, can be provided ***without imposing on the user to keep himself informed about improvements***, updates can be introduced also without requiring from the user to have knowledge about how to program his communication unit.

Birgerson, col. 1, line 60 to col. 2, line 41 (emphasis added). This cited text from Birgerson makes it appear that improvements and services should be added to a wireless communication unit completely without user interaction. In other words, a user should not have to perform any action in order to have the improvements and services added to a wireless communication unit. Birgerson provides a suitable solution as discussed as follows:

> Therefore a system for customizing wireless communication units to be used in a wireless communication system, ***including a number of switching arrangements arranged throughout the coverage area of the wireless communication system***, is provided. Each communication unit comprises means for enabling establishment of contact with a switching arrangement. The communication units **are generic** and ***the software relating to wireless communication units is provided in a number of storing means that can be accessed over a global data communication network***. Each generic communication unit includes indicating means for indicating to a switching arrangement, or a communication means communicating with the switching arrangement, when contact is established (e.g. the first time of contact), that software is requested. Each generic communication unit furthermore comprises handling means for processing the software. The switching arrangement or the communication means provides information relating to the location of the communication unit (or simply of the switching arrangement itself) and ***with the use of said location information, software relating to a particular generic communication unit is downloaded to the communication unit*** via said communication means or switching arrangement ***using the global data communications network.***

Birgerson, col. 1, line 60 to col. 2, line 65 (emphasis added). Thus, Birgerson specifically teaches away from user interaction by providing techniques for software to be downloaded to a "generic" communication unit by a global data communications network.

The Examiner cites col. 6, lines 48-67 of Raith for teaching Bluetooth and a private, short range connection. However, Bluetooth has an approximate maximum range of about 100 meters, or around 300 feet. This means that a user using a generic communication unit of Birgerson would have to come within 300 feet (e.g., as taught by Raith) of a "switching arrangement" of Birgerson in order to download software into the communication unit. Consequently, the combination of Birgerson and Raith proposed by the Examiner would require the user to find a location of a "switching arrangement" and bring the generic

communication unit of Birgerson into close range with the "switching arrangement". This is one of the problems solved by Birgerson, which is that other solutions discussed by Birgerson required too much effort from the user. The Examiner suggests a combination of Birgerson and Raith that is what Birgerson does not want, which is a requirement for interaction by the user in order for the user to update the generic communication unit.

For at least these reasons, one skilled in the art would not combine Birgerson and Raith. Applicant requests the §103(a) rejections based on the combination of Birgerson and Raith be withdrawn inasmuch as the rejections relate to a combination of Bluetooth (from Raith) and the system of Birgerson.

Therefore, claim 1 is patentable. Furthermore, independent claims 25, 26, and 42 recite similar subject matter to the subject matter in claim 1. For instance, claim 25 recites the following: "A supplying terminal for supplying data in electronic form comprising first communication means for receiving data from at least one data server over a wireless network and second communications means for sending at least part of the data to a mobile terminal over a wireless connection, wherein the first communication means is wireless communications means for receiving data from at least one data server over a wireless network, and ***wherein the wireless connection is a Low Power Radio Frequency (LPRF) connection***." Claim 26 recites "A supplying terminal for supplying data in electronic form comprising a first communication transceiver configured to receive data from at least one data server over a wireless network and second communications transceiver configured to send at least part of the data to a mobile terminal over a wireless connection, ***wherein the wireless connection is a Low Power Radio Frequency (LPRF) connection***." Claim 42 recites "A method for supplying data in electronic form comprising: receiving over a wireless network data from at least one data server; and in response to a request from the mobile terminal for at least a part of the data, sending using a wireless connection the at least a part of the data to the mobile terminal, ***wherein the wireless connection is a Low Power Radio Frequency (LPRF) connection***." For at least the reasons given above with respect to claim 1, claims 25, 26, and 42 are also patentable.

Dependent Claims

Because claims 1, 25, 26, and 42 are patentable, their dependent claims 1, 2, 6-12, 14-16, 20-23, 27-41, and 42-45 are also patentable.

Additionally, Applicant would also like to point out a few exemplary dependent claims. Claim 6 recites "The system according to claim 1 in which the supplying terminal is a vending machine ***which supplies electronic data in exchange for a monetary payment***." Claim 30 recites "The supplying terminal according to claim 26 further comprising at least one controller configured to send the at least part of the data in response to confirmation of ***a monetary payment*** being made corresponding to the at least part of the data." In other words, the data is sent to the mobile terminal because of a monetary payment.

In rejecting claim 6, The Examiner cites Birgerson, col. 9, line 67 to col. 10, line 6. Birgerson states the following:

> The cellular telephone 10 here receives locally adapted software through a software transferring protocol, e.g. FTP or Castanet ADP, in the channel(S) which are defined in for example a downloaded Castanet tuner. Advantageously the handling means or program executing means, 8 comprises a JAVA chip. The cellular telephone 10 informs the base station 20 and source that it is accessible, 15,16 which means that, for example, the downloaded tuner in the cellular telephone makes a query to the source 15,11. Feedback information from the cellular telephone 10, i.e. the user, to the transmitter 11, is also enabled. The software database 5 as implemented in the present embodiment among others comprises a number of Castanet tuners. ***Which tuner that is loaded is given by the location information parameter in the base-station 20 which in turn also decides which particular channels the tuner automatically subscribes to.*** Examples of Castanet channels are a Castanet tuner through which the tuner can update/replace itself, language channels enabling a language and/or culture adaptation according to a geographic parameter or parameters, routines and telephone functionalities etc. Examples on services that can be provided are E-mail, browsing, database access, system integration, bank and financial services (with integration of the PIN-code), news and weather broadcast and other broadcasts. Using the concept of the invention, interactive communication to individuals is enabled which among others can be used for market inquiries etc.

Birgerson, col. 9, line 47 to col. 10, line 6 (emphasis added). There is no disclosure in this cited text of "a vending machine which supplies electronic data in exchange for a monetary payment". The Examiner cites this text because bank and financial services are services that can be provided, but these services are unrelated to supplying electronic data ***in exchange for*** a monetary payment. Nor is there disclosure in this cited text of "at least one controller configured to send the at least part of the data in response to confirmation of ***a monetary payment*** being made corresponding to the at least part of the data". Birgerson does not disclose that data is communicated ***in response to*** confirmation of a monetary payment being made.

For at least these reasons, dependent claims 6 and 30 are patentable.

Similar arguments can be made for claims 7 and 31.

Conclusion

Based on the foregoing arguments, it should be apparent that the remaining claims are thus allowable over the reference(s) cited by the Examiner, and the Examiner is respectfully requested to reconsider and remove the rejections. The Examiner is invited to call the undersigned attorney for any issues.